

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DAVID A. JOHNSON,

Petitioner,

vs.

WILLIAM KNIPP,

Respondent.

No. C 13-2279 PJH (PR)

**ORDER DISMISSING  
PETITION, AND DENYING  
CERTIFICATE OF  
APPEALABILITY**

This is a habeas case filed pro se by a state prisoner. Petitioner has paid the filing fee. Petitioner has filed a petition and seeks a stay while he exhausts two claims in state court. The claims involve the introduction of his incriminating admission to police and the improper admission of evidence of his prior violent outbursts and his association with the Hell's Angels.

Petitioner previously filed a habeas petition regarding this conviction in case No. C 09-0937 JSW, that was dismissed on the merits on July 15, 2010, and his appeals to the Ninth Circuit and United States Supreme Court were denied. Thus, this is a successive petition. Before a second or successive petition may be filed in the district court, the petitioner must first obtain an order from the court of appeals authorizing the district court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). A review of both cases indicates that the petition in this case is identical to the petition from the earlier case.

The petition is **DISMISSED** for the reasons set out above. Because reasonable jurists would not find the result here debatable, a certificate of appealability ("COA") is **DENIED**. See *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA). The clerk shall close the file.

**IT IS SO ORDERED.**

Dated: September 4, 2013.

  
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PHYLLIS J. HAMILTON  
United States District Judge

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